

27 February 2001

Legal Services
**MILITARY JUSTICE JURISDICTION/CIVILIAN PROSECUTIONS FOR
FORT MONROE, VIRGINIA**

Summary. This regulation defines policies and procedures for the effective administration of military justice over personnel assigned to the Headquarters, U.S. Army Garrison (USAG), Fort Monroe, Virginia; Headquarters, U.S. Army Training and Doctrine Command (HQ TRADOC); and tenant organizations on Fort Monroe. It describes the method for filing reprimands by general officers and the administration of civilian criminal jurisdiction on Fort Monroe.

Applicability. This regulation applies to Headquarters, USAG, Fort Monroe; HQ, TRADOC; U.S. Army Combined Arms Support Command, U.S. Army Combined Arms Center, U.S. Army Transportation Center and Fort Eustis; tenant organizations on Fort Monroe; and civilian prosecutions for conduct on Fort Monroe.

Supplementation. Supplementation is authorized. Forward all requests for supplementation to the TRADOC Staff Judge Advocate (SJA).

Suggested improvements. The proponent of this regulation is the TRADOC Staff Judge Advocate. Send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) through channels to Commander, TRADOC, 11 Bernard Road, ATTN: ATJA, Fort Monroe, VA 23651-1001. Suggested improvements may also be submitted using DA Form 1045 (Army Ideas for Excellence Program (AIEP) Proposal).

Availability. This publication is available on the TRADOC Homepage at <http://www-tradoc.army.mil>.

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Chapter 1

Introduction

1-1. Purpose. This regulation defines military justice jurisdiction over personnel assigned to the Headquarters, United States Army Garrison (USAG) Fort Monroe; HQ TRADOC; and tenant organizations on Fort Monroe. It describes the method for filing administrative reprimands by general officers. It also defines policies and procedures for the administration of civilian criminal jurisdiction on Fort Monroe.

1-2. References. Appendix A lists the required publications.

1-3. Explanation of abbreviations and terms. The glossary contains abbreviations and special terms used in this regulation.

1-4. Responsibilities. Affected commanders and staff elements will ensure that matters covered by this regulation are forwarded to the appropriate authorities.

Chapter 2

Military Justice Jurisdiction over Headquarters, USAG Fort Monroe and Headquarters, TRADOC.

2-1. Military justice authority. Commander, TRADOC exercises General Court-Martial Convening Authority (GCMCA) pursuant to Department of the Army General Order Number 22, dated 26 June 1973 (see app B, fig B-1). Commander, U.S. Army Transportation Center and Fort Eustis (USATCFE) exercises GCMCA and other specified military justice authority over certain personnel pursuant to U.S. Continental Army Command (USCAC) Order Number 324 (app B, fig B-2) and TRADOC General Order Number 395 (app B, fig B-3).

a. Jurisdiction over enlisted personnel. Commander, USATCFE exercises GCMCA, general administration of military justice authority, and next superior commander authority for non-judicial punishment (unless otherwise stated in this regulation; see para 4-1(b)) over all enlisted personnel assigned or attached to the Headquarters, USAG Fort Monroe. (See app B, figs B-2 and B-3).

b. Jurisdiction over officers. Commander, USATCFE exercises GCMCA, general administration of military justice authority, and next superior commander authority for non-judicial punishment (unless otherwise stated in this regulation; see para 4-1(b)) over all officers assigned to the Headquarters, USAG Fort Monroe. Commander, TRADOC retains jurisdiction over all officers assigned or attached to the TRADOC Staff and/or Headquarters and Headquarters Company (HHC), TRADOC. (See app B, fig B-3).

c. Responsibilities. The Fort Monroe Post Judge Advocate (PJA) is responsible for coordinating with the SJA, USATCFE all military justice cases requiring Commander, USATCFE action. For example, this would include, but not be limited to, all courts-martial and Article 15 appeals from actions taken by Commander, Headquarters, USAG Fort Monroe. TRADOC SJA will coordinate military justice cases requiring Commander, TRADOC action.

2-2. Special/Summary Court-Martial Convening Authority. In accordance with Articles 23 and 24, Uniform Code of Military Justice (UCMJ), Commander, Headquarters, USAG Fort Monroe exercises Special Court-Martial Convening Authority (SPCMCA) and Summary Court-Martial Convening Authority (SCMCA) over the following personnel:

a. Enlisted personnel. Commander, USAG Fort Monroe exercises SPCMCA and SCMCA over enlisted personnel assigned or attached to the Headquarters, USAG Fort Monroe, which includes but is not limited to, HHC, TRADOC; Fort Monroe Military Police Activity (MPA); and The United States Continental Army Band (TUSCAB). (See app B, figs B-3, B-6, B-7).

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b. Officers. Commander, Headquarters, USAG Fort Monroe, exercises SPCMCA and SCMCA over officers assigned or attached to the Headquarters, USAG Fort Monroe. Commander, TRADOC retains all court-martial convening authority over officers assigned or attached to the TRADOC Staff and/or HHC, TRADOC.

c. Punitive Discharge Authority. Commander, Headquarters USAG Fort Monroe has no authority to convene a Special Court-Martial empowered to adjudge a bad conduct discharge. Commander, USATCFE exercises that authority.

Chapter 3

Commander, TRADOC Article 15 Authority

3-1. General. TRADOC Regulation 27-2 defines Commander, Combined Arms Center (CAC) and Commander, Combined Arms Support Command (CASCOM) as superior competent authorities over other TRADOC installation commanders for appeal authority of Article 15, UCMJ. Commander, TRADOC is the appeal authority for Article 15 appeals from Commander, CAC and Commander, CASCOM.

3-2. Delegation of authority. AR 27-10, paragraph 3-7c, permits Commander, TRADOC to delegate his powers under Article 15 to a subordinate. This delegation must be given specifically to a subordinate by office and by name. (See app B, fig B-8).

Chapter 4

Military Justice Jurisdiction over Tenant Organizations

4-1. Headquarters, U.S. Army Cadet Command (HQ USACC). HQ USACC is attached to USATCFE for exercise of general court-martial jurisdiction. (See app B, fig B-4)

a. Commander, USACC retains authority for the administration of non-judicial punishment over officers and enlisted personnel assigned to Headquarters Company, USACC. (See app B, fig B-4)

b. Headquarters Company, USACC is attached to Headquarters USAG, Fort Monroe for the exercise of special and summary courts-martial jurisdiction and related criminal and administrative separations. Commander, Headquarters Company USACC is authorized to administer company grade non-judicial punishment and exercise company level administrative authority over military personnel assigned to the command (see app B, fig B-5). Pursuant to this order, Commander, USACC is the next superior commander for appeals of non-judicial punishment administered by Commander, Headquarters Company, USACC. Commander TRADOC, unless delegated, is the next superior authority for appeals of non-judicial punishment from Commander, USACC.

c. Disenrollment Authority for Cadets Claiming Conscientious Objector Status. The disenrollment authority for cadets claiming conscientious objector status will be pursuant to AR 145-1, paragraph 3-3b(1) (<http://books.usapa.belvoir.army.mil/cgi->

[bin/bookmgr/BOOKS/R145_1/3.3](#)), as implemented by Commander, TRADOC (see app B, fig B-9).

4-2. Other tenant organizations. Tenant organizations not attached to USATCFE or to Headquarters, USAG Fort Monroe, will notify the PJA, Fort Monroe; SJA, TRADOC; and Commander, Headquarters, USAG Fort Monroe prior to referral of any court-martial charges involving tenant organization personnel stationed at Fort Monroe. Tenant organizations may also request Commander, Headquarters USAG Fort Monroe to attach individual Army personnel for the purpose of exercising UCMJ authority, pursuant to Army Regulation 27-10, paragraph 5-2b(1) (http://books.usapa.belvoir.army.mil/cgi-bin/bookmgr/BOOKS/R27_10/5.2.b). Individuals so attached will be processed through the jurisdictional structure set forth in paragraphs 2-1 and 2-2 above.

Chapter 5

Filing of Administrative Reprimands by General Officers

5-1. Authority. In accordance with AR 600-37, administrative reprimands may be filed in a soldier's Official Military Personnel File only upon the order of a general officer senior to the recipient or by the direction of an officer having general court-martial jurisdiction over the individual. The following method will be used to obtain general officer filing determinations for the personnel of the HQ, USAG Fort Monroe and HQ, TRADOC.

5-2. Method. Reprimand actions, requiring action by a general officer will normally be forwarded through the individual's chain of command to the Chief of Staff, who will make the appropriate disposition. If the Chief of Staff is absent, the action may be forwarded to Commander, USATCFE for appropriate disposition. If the individual being reprimanded is senior to Commander, USATCFE, the action will be forwarded to Commander, TRADOC for appropriate action.

5-3. Exceptions. Other general officers assigned to HQ TRADOC may make filing decisions for administrative reprimands. These cases are limited, however, to those involving members of their office, directorate, or command. The general officer will ensure that the requirements of AR 600-37 are met and will coordinate the action with the TRADOC SJA Office.

Chapter 6

Civilian Criminal Jurisdiction

6-1. Exclusive and concurrent jurisdiction. Fort Monroe is primarily controlled by exclusive federal jurisdiction with minor exceptions. For example, the southwest corner of the installation, including the Chamberlin Hotel, is under concurrent jurisdiction. Areas that are not under exclusive jurisdiction share concurrent jurisdiction with the City of Hampton, Virginia. (See app B, fig B-10)

a. Exclusive jurisdiction. A Special Assistant United States Attorney (SAUSA) prosecutes criminal acts involving civilians occurring within exclusive federal jurisdiction. The PJA, in coordination with the United States Attorney's Office for the Eastern District of Virginia,

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manages the cases and supervises the SAUSA.

b. Concurrent jurisdiction. The City of Hampton Commonwealth's Attorney may prosecute criminal acts involving civilians occurring in areas under concurrent jurisdiction. However, the case normally will be processed by the SAUSA at the direction of the PJA and United States Attorney's Office. In the event the City of Hampton Commonwealth's Attorney seeks to prosecute such a case, the PJA and United States Attorney's Office will negotiate with the Commonwealth's Attorney to determine which sovereign will exercise jurisdiction.

6-2. Juveniles. The PJA is responsible for the management and supervision of all juvenile prosecutions and dispositions on Fort Monroe. Juvenile offenders are normally handled administratively through the Juvenile Review Board (JRB) under the direction of the Commander, USAG Fort Monroe. However, if offenses occur which are inappropriate for the JRB, the United States Attorney's Office may issue a waiver of jurisdiction and the SAUSA may refer the matter to the City of Hampton Commonwealth's Attorney for action pursuant to a memorandum of understanding (MOU)(see app B, fig B-11).

Appendix A References

AR 27-10
Military Justice

AR 145-1
Senior Reserve Officers' Training Corps Program: Organization, Administration and Training

AR 600-37
Unfavorable Information

MCM
Manual for Courts-Martial United States (<http://www.usapa.army.mil/pdffiles/mcm2000.pdf>)

TRADOC Regulation 27-2
Designation of Superior Competent Authorities

Appendix B Orders and Supporting Documentation

Orders and supporting documents referenced in this regulation are found in this appendix.

GENERAL ORDERS

No. 22

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, 26 June 1973

| | Section |
|---|---------|
| GENERAL COURTS-MARTIAL—Authority to convene—Commanding Officer, US Army Training Center and Fort Jackson, Fort Jackson, SC 29207..... | I |
| GENERAL COURTS-MARTIAL—Authority to convene—Commanding Officer, US Army Training and Doctrine Command, Fort Monroe, VA 23351..... | II |
| GENERAL COURTS-MARTIAL—Authority to convene—Commanding Officer, US Army Forces Command, Fort McPherson, GA 30330..... | III |
| GENERAL COURTS-MARTIAL—Authority to convene—Commanding Officer, US Army Training Center and Fort Ord, Fort Ord, CA 93941..... | IV |
| GENERAL COURTS-MARTIAL—Authority to convene—Commanding Officer, US Army Administration Center and Fort Benjamin Harrison, Fort Benjamin Harrison, IN 46216..... | V |

I. GENERAL COURTS-MARTIAL: Confirming verbal orders of the Secretary of the Army of 5 June 1973, the Commanding Officer, United States Army Training Center and Fort Jackson, Fort Jackson, South Carolina 29207, is designated by the Secretary of the Army, pursuant to the Uniform Code of Military Justice, Article 22(a) (6), to convene general courts-martial *effective 15 June 1973.*

II. GENERAL COURTS-MARTIAL: Confirming verbal orders of the Secretary of the Army of 5 June 1973, the Commanding Officer, United States Army Training and Doctrine Command, Fort Monroe, Virginia 23351, is designated by the Secretary of the Army, pursuant to the Uniform Code of Military Justice, Article 22(a) (6), to convene general courts-martial *effective 1 July 1973.*

III. GENERAL COURTS-MARTIAL: Confirming verbal orders of the Secretary of the Army of 5 June 1973, the Commanding Officer, United States Army Forces Command, Fort McPherson, Georgia 30330, is designated by the Secretary of the Army, pursuant to the Uniform Code of Military Justice, Article 22(a) (6), to convene general courts-martial *effective 1 July 1973.*

IV. GENERAL COURTS-MARTIAL: Confirming verbal orders of the Secretary of the Army of 12 June 1973, the Commanding Officer, United States Army Training Center and Fort Ord, Fort Ord, California 93941 is designated by the Secretary of the Army, pursuant to the Uniform Code of Military Justice, Article 22(a) (6), to convene general courts-martial *effective 15 June 1973.*

V. GENERAL COURTS-MARTIAL: Confirming verbal orders of the Secretary of the Army of 12 June 1973, the Commanding Officer, United States Army Administration Center and Fort Benjamin Harrison, Fort Benjamin Harrison, Indiana 46216, is designated by the Secretary of the Army, pursuant to the Uniform Code of Military Justice, Article 22(a) (6), to convene general courts-martial *effective 1 July 1973.*

Figure B-1. Department of the Army General Order Number 22

DEPARTMENT OF THE ARMY
HEADQUARTERS UNITED STATES CONTINENTAL ARMY COMMAND
Fort Monroe, Virginia 23651

GENERAL ORDERS
NUMBER 324

20 June 1973

TC 015. Following organization/unit ATTACHED/RELIEVED FROM ATTACHED as indicated.

Headquarters Fort Monroe (WOUWAA /), Ft Monroe, VA 23651

Relieved from attached: HQ First US Army (WOGKAA /), Ft George G. Meade, MD 20755

Attached to: US Army Transportation Center & Ft Eustis (WOUVAA /), Ft Eustis, VA 23604

Purpose: Attached for the exercise of general court-martial jurisdiction and the general administration of military justice, and is designated as next superior for purposes of exercising jurisdiction under Article 15, UCMJ.

Will proceed date: Not applicable.

Effective date: 1 July 1973

Period: Indefinite.

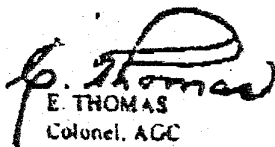
Accounting classification: Not applicable.

Authority: Appendix B, AR 10-7

Special instructions: Not applicable.

FOR THE COMMANDER:

OFFICIAL:


E. THOMAS
Colonel, AGC
Adjutant General

B. E. HUFFMAN, JR.
Major General, GS
Chief of Staff

DISTRIBUTION:

H1

10-Unit

10-HQ First US Army, Ft Geo G. Meade, MD 20755

10-USATC & Ft Eustis, Ft Eustis, VA 23604

2-HQ CONARC, ATTN: SJA

2-HQ CONARC, ATTN: ATAG-PDA

SPECIAL DISTRIBUTION:

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Figure B-2. HQ, U.S. Continental Army Command (USCAC) General Order Number 324

DEPARTMENT OF THE ARMY
HEADQUARTERS UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND
Fort Monroe, Virginia 23651

GENERAL ORDERS
NUMBER 395

1 July 1975

TC 015. Following organization/unit ATTACHED/RELIEVED FROM ATTACHED as indicated.

Headquarters Company TRADOC (W3YTAA) Fort Monroe, Virginia 23651

Relieved from attached: Not applicable

Attached to: Headquarters Company TRADOC and United States Army Garrison (WOUWAA) Fort Monroe, VA 23651

Purpose: Attached for administration, rations, quarters and the exercise of court-martial jurisdiction, to include the general administration of military justice, related administrative actions, and exercise of jurisdiction under Article 15, UCMJ, for all enlisted personnel assigned/attached to Headquarters Company TRADOC (W3YTAA).

Will proceed date: Not applicable

Effective date: 1 July 1975

Period: Indefinite

Accounting classification: Not applicable

Authority: AR 220-5 and ATCS-75-2052, DF, dated 16 June 1975

Special instructions: Administration of military justice for officer personnel assigned to Headquarters Company TRADOC to include general court-martial jurisdiction, related administrative actions, inferior court-martial jurisdiction and the exercise of jurisdiction under Article 15, UCMJ, remains with Commander, TRADOC.

FOR THE COMMANDER:

OFFICIAL:

B. E. HUFFMAN, JR.
Major General, GS
Chief of Staff

V. W. Bolton

V. W. BOLTON
Colonel, AGC
Adjutant General

DISTRIBUTION:

H1
5-HQ CO TRADOC & USAG,
Ft Monroe, VA 23651

SPECIAL DISTRIBUTION:

20-HQDA (DAAG-AMO-D)
1-HQDA (DAMO-FDF)
1-HQDA (DAMO-FDF)
3-HQDA (DAMO-FDA)
1-HQDA (CDAAG-HDA)

Figure B-3. HQ, TRADOC General Order Number 395

DEPARTMENT OF THE ARMY
HEADQUARTERS UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND
Fort Monroe, Virginia 23651-5000

PERMANENT ORDERS 8-5

8 January 1997

HQ US Army Cadet Command (W4SYAA), Fort Monroe, VA 23651-5000

Following order is amended as indicated.

So much of: Permanent Orders 4-1, this headquarters, 13 January 1994
Pertaining to: Unit redesignation of HQ US Army ROTC Cadet Command
(W4SYAA), Fort Monroe, VA 23651-5000

As reads:

Military structure strength: 36 officers, 9 enlisted, 45 aggregate

Military authorized strength strength: 30 officers, 6 enlisted, 36 aggregate

Civilian structure strength: 81

Civilian authorized strength: 80

How changed:

Military structure strength: 0 officers, 0 enlisted, 0 aggregate

Military authorized strength: 0 officers, 0 enlisted, 0 aggregate

Civilian structure strength: 0

Civilian authorized strength: 0

As reads:

Additional Instructions: (a) HQ Company is attached to this unit. (b) The
Commander, US Army Cadet Command will command the three ROTC Regions:
US Army First ROTC Region, TCW3W4AA, TCW0MTAA, and TCW1V5AA
US Army Second ROTC Region, TCW3W5AA, TCW0NDAA, and TCW1ZAAA
US Army Fourth ROTC Region, TCW3W7AA, TCW1NVAA, and TCW1NWAA
(c) US Army Cadet Command is attached to US Army Transportation Center and
Fort Eustis, Fort Eustis, VA 23604-5000 for exercise of general, special, and
summary court-martial jurisdiction and the general administration of military
justice, to include related administrative actions, and action as next superior
authority on appeals from punishment imposed under Article 15, UCMJ.

How changed: Amended to read:

Additional Instructions:

(a) HQ Company is part of the HQ US Army Cadet Command.

(b) The Commander, US Army Cadet Command will command three ROTC
Regions:

US Army First Region (ROTC), TCW3W4AA, TCW0MTAA, and TCW1V5AA

US Army Second Region (ROTC), TCW3W5AA, TCW0NDAA, and TCW1ZAA

US Army Fourth Region (ROTC), TCW3W7AA, TCW1NVAA, and TCW1NWAA

(c) HQ US Army Cadet Command is attached to US Army Transportation Center
and Fort Eustis, Fort Eustis, VA 23604-5000 for exercise of general court-
martial jurisdiction.

As reads:

Special Instructions: The Commander, US Army Cadet Command, retains
authority for the administration of nonjudicial punishment over officers and
enlisted personnel assigned to Headquarters, US Army Cadet Command, Fort
Monroe, VA.

How changed: Amended to read:

Special Instructions: The Commander, US Army Cadet Command, retains
authority for the administration of nonjudicial punishment over officers and
enlisted personnel assigned to HQ Company, US Army Cadet Command, Fort
Monroe, VA.

PERMANENT ORDER 8-5, HQ TRADOC,

8 January 1997

Authority: Paragraph 2-21, AR 600-8-105

PCN: A19930230123945

Format: 700

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CDR, USA CTR OF MILITARY HISTORY

ATTN: DAMH-FPO (2)

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CDR, HQ US ARMY CADET COMMAND (2)

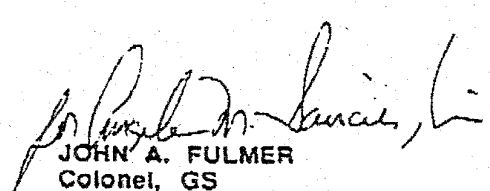

JOHN A. FULMER
Colonel, GS
Adjutant General

Figure B-4. HQ, TRADOC Permanent Order Number 8-5

DEPARTMENT OF THE ARMY
HEADQUARTERS UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND
Fort Monroe, Virginia 23651-5000

PERMANENT ORDERS 342-4

7 December 2000

Following order is amended as indicated.

So much of: Permanent Orders 106-7, this headquarters, 15 October 1993

Pertaining to: Unit organization of HQ Company (W4SY01) Fort Monroe, Virginia 23651

As reads:

Military structure strength: 1 Officer, 1 aggregate

Military authorized strength: 1 Officer, 1 aggregate

How changed:

Amended to read:

Military structure strength: 38 Officers, 10 Enlisted, 48 aggregate

Military authorized strength: 38 Officers, 10 enlisted, 48 aggregate

As reads: Additional instructions: N/A

Amended to read: Commander, HQ Company, U.S. Army Cadet Command exercises company level UCMJ jurisdiction, general administration of military justice authority, and administrative authority over all assigned or attached personnel, unless a higher commander withholds such jurisdiction or authority. Commanding General, U.S. Army Cadet Command exercises field grade field grade Article 15 authority and "next superior" commander company grade appellate authority under Article 15 UCMJ over all personnel assigned or attached to HQ Company. HQ Company is attached to U.S. Army Garrison, Fort Monroe for the exercise of Special and Summary Court-Martial Convening Authority, including general administration of military justice authority and administrative separations over all assigned or attached personnel. Commander, USAG, Fort Monroe does not have authority to convene a Special Court Martial empowered to adjudge a punitive discharge.

Authority: Paragraph 2-21, AR 600-8-105

PCN: A19930230123945

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HQDA (TAPC-OPD) PENTAGON

ALEXANDRIA, VA 22332 (1)

CDR, USA CTR OF MILITARY HISTORY

ATTN: DAMH-FPO (2)

103 THIRD AVENUE, FORT LESLEY J. MCNAIR, DC 20319-5058

CDR, U.S. ARMY GARRISON, FORT MONROE (2)

CDR, HQ COMPANY, U.S. CADET COMMAND (2)

Monica J. Lee, LTC, AG
for WILLIAM A. BROWN III
Colonel, GS
Adjutant General

Figure B-5. TRADOC Permanent Order Number 342-4 (USACC)

**DEPARTMENT OF THE ARMY
HEADQUARTERS UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND
Fort Monroe, Virginia 23651-5000**

PERMANENT ORDERS

342-5

7 December 2000

Following order is amended as indicated.

So much of: Permanent Orders 11-11, this headquarters, 11 January 1999
Pertaining to: Unit organization of 233rd Military Police Detachment (MP Headquarters Team)
(MTOE 19517ATC0100 WCVNAA) Fort Monroe, Virginia 23651
As reads: Additional Instructions:

- a. Modification Table of Organization and Equipment, 19517TC0100
- b. Standard Requirement Code 19517AA00100
- c. Troop Program Sequence Number 31903
- d. Authorized Level of Organization 1

How changed: Amended to read: Additional Instructions:

- a. Modification Table of Organization and Equipment, 19517TC0100
- b. Standard Requirement Code 19517AA00100
- c. Troop Program Sequence Number 31903
- d. Authorized Level of Organization 1
- e. Commander, 233rd Military Police Detachment exercises company

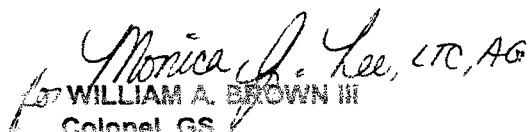
level UCMJ jurisdiction, general administration of military justice authority, and administrative authority over all assigned or attached personnel, unless such jurisdiction or authority is withheld by a higher commander. Commander, U.S. Army Garrison, Fort Monroe exercises Special and Summary Court-Martial Convening Authority, including general administration of military justice authority and administrative separations over all assigned or attached personnel. This includes field grade Article 15 authority and "next superior" commander company grade appellate authority for the purpose of exercising jurisdiction under Article 15 Uniform Code of Military Justice. Commander, USAG, Fort Monroe does not have authority to convene a Special Court Martial empowered to adjudge a punitive discharge.

Authority: Paragraph 2-21, AR 600-8-105

PCN: A19930230123945

Format: 700

FOR THE COMMANDER:


WILLIAM A. BROWN III
Colonel, GS
Adjutant General

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WASH DC 20310 (1)
HQDA (TAPC-OPD) PENTAGON
ALEXANDRIA, VA 22332 (1)
CDR, USA CTR OF MILITARY HISTORY
ATTN: DAMH-FPO (2)
103 THIRD AVENUE, FORT LESLEY J. MCNAIR, DC 20319-5058
CDR, U.S. ARMY GARRISON, FORT MONROE (2)
CDR, U.S. 233RD MILITARY POLICE DETACHMENT (1)

Figure B-6. HQ, TRADOC Permanent Order Number 342-5 (MP)

DEPARTMENT OF THE ARMY
HEADQUARTERS UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND
Fort Monroe, Virginia 23651-5000

PERMANENT ORDERS 342-3

7 December 2000

Following order is amended as indicated.

So much of: Permanent Orders 122-3, this headquarters, 4 Oct 90
Pertaining to: Unit reorganization of The United States Continental Army Band (MTOE 12 733-L01
UIC WSCAA) Fort Monroe, Virginia 23651-5000

As reads: Additional Instructions:

- a. Modification Table of Organization and Equipment, 12733LTC01, TC0192
- b. Standard Requirement Code 12733L0000020
- c. Troop Program Sequence Number 40420
- d. Authorized Level of Organization 2

How changed: Amended to read: Additional Instructions:

- a. Modification Table of Organization and Equipment, 12733LTC01, TC0192
- b. Standard Requirement Code 12733L0000020
- c. Troop Program Sequence Number 40420
- d. Authorized Level of, Organization 2
- e. Commander, The United States Continental Army Band (TUSCAB)


exercises company level UCMJ jurisdiction, general administration of military justice authority, and administrative authority over all assigned or attached personnel, unless a higher commander withholds such jurisdiction or authority. TUSCAB is attached to U.S. Army Garrison, Fort Monroe for exercise of Special and Summary Court-Martial Convening Authority, including general administration of military justice authority and administrative separations over all assigned or attached personnel. This includes field grade Article 15 authority and "next superior" commander company grade appellate authority for the purpose of exercising jurisdiction under Article 15 Uniform Code of Military Justice. Commander, USAG, Fort Monroe does not have authority to convene a Special Court Martial empowered to adjudge a punitive discharge.

Authority: Paragraph 2-21, AR 600-8-105

PCN: A19930230123945

Format: 700

FOR THE COMMANDER:


WILLIAM A. BROWN III
Colonel, GS
Adjutant General

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CDR, USA CTR OF MILITARY HISTORY
ATTN: DAMN-FPO (2)
103 THIRD AVENUE, FORT LESLEY J. MCNAIR, DC 20319-5058
CDR, U.S. ARMY GARRISON, FORT MONROE (2)
CDR, U.S. THE UNITED STATES CONTINENTAL ARMY BAND (2)

Figure B-7. HQ, TRADOC Permanent Order Number 342-3 (TUSCAB)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND
102 MCNAIR DRIVE
FORT MONROE VIRGINIA 23651-1047

ATJA

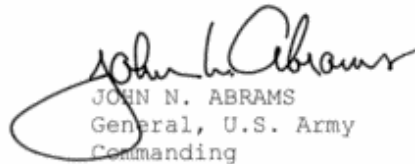
03 April 2002

MEMORANDUM FOR Lieutenant General Larry R. Jordan, Deputy
Commanding General/Chief of Staff, Headquarters, U.S. Army
Training and Doctrine Command, Fort Monroe, Virginia 23651-5000

SUBJECT: Delegation of Article 15 Authority

1. As Commanding General, U.S. Army Training and Doctrine Command, unless indicated otherwise in a specific case, I hereby delegate my powers to impose punishment under Article 15, Uniform Code of Military Justice to you as Deputy Commanding General/Chief of Staff, Headquarters, U.S. Army Training and Doctrine Command, pursuant to Army Regulation 27-10, paragraph 3-7c and TRADOC Regulation 27-3, paragraph 3-2. You are also specifically delegated my power to act as "superior authority" on an appeal from a subordinate command, including the United States Army Cadet Command.

2. This delegation shall remain in effect until either you or I cease to permanently occupy our duty positions.


JOHN N. ABRAMS
General, U.S. Army
Commanding

DISTRIBUTION:
Chiefs, General and Special Staff Offices
CDR, Fort Monroe
CDR, HHC, Fort Monroe
CDR, CAC
CDR, CASCOM
CDR, Cadet Command

Figure B-8. Commander, TRADOC Delegation of Article 15 Authority



DEPARTMENT OF THE ARMY

HEADQUARTERS UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND
FORT MONROE, VIRGINIA 23651-5000

REPLY TO
ATTENTION OF

ATCG

22 NOV 2000

MEMORANDUM FOR Commander, United States Army Transportation
Center and Fort Eustis, Fort Eustis, Virginia
23604

SUBJECT: Senior Reserve Officer Training Corps (SROTC)
Conscientious Objector Disenrollment Pilot Program

1. PURPOSE. To create and describe SROTC Conscientious Objector Disenrollment Pilot Program.

2. PROGRAM. Pursuant to Army Regulation 145-1, paragraph 1-8, I hereby create the SROTC Conscientious Objector Disenrollment Pilot Program.

a. Under this program, I hereby grant an exception to AR 145-1, paragraph 3-3(b)(1), in so much as it states the approval authority for ROTC cadets applying for objector status is Commander, TRADOC. Pursuant to this exception, I delegate to Commander, United States Army Transportation Center and Fort Eustis (USATCFE), my authority to approve 1-A-O and 1-O status for these cadets.

b. In the event Commander, USATCFE, determines an applicant's request for objector status should not be approved, he will forward the application to the Department of the Army Conscientious Objector Review Board.

c. All other provisions of AR 145-1 remain in effect.

3. Points of contact for this program are the TRADOC Staff Judge Advocate and the USACC Command Judge Advocate.

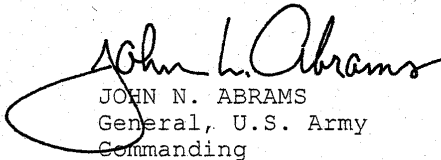

JOHN N. ABRAMS
General, U.S. Army
Commanding

Figure B-9. SROTC Conscientious Objector Disenrollment Pilot Program

Jurisdictional Summary

Installation: Fort Monroe

Location: City of Hampton, Virginia

This installation is currently composed of 614.64 acres, more or less, of land owned by the United States in fee simple. The 614.59 acres, more or less, are assigned to the Department of the Army. The remaining 0.05 acre is being used by the Department of the Army under a license from the Department of Transportation (Coast Guard).

The area being held under the license, along with 0.19 acre transferred to the Department of the Army from the Coast Guard in 1973, was acquired from the Commonwealth in 1803. By deed dated 28 July 1803, 2 acres, along with all jurisdiction, were conveyed to the United States for the establishment of a lighthouse. This conveyance was authorized by a special act of the Virginia General Assembly approved 2 January 1798. A copy of the deed, which recites the act and contains certain reservations is attached (Attach 1).

The Commonwealth of Virginia conveyed title to and all jurisdiction over 250 acres of land at Old Point Comfort to the United States by deed recorded 12 December 1838. (Attach 2) This conveyance was authorized by a special act of the General Assembly approved 1 March 1821. (Attach 3)

The deed described the 250 acres as being adjacent to and surrounding the two acre tract described above and described an area totaling 252 acres.

The authorizing legislation and deed contained several restrictions which are important. The most important being reserving the right to serve process on the area conveyed and the provision that if the property was used for purposes other than fortification or national defense that the title and all jurisdiction shall revert to the state.

This conveyance was not a "purchase" within the meaning of Article 1, Section 8, Cl. 17 of the United States Constitution. Rather it was a donation by the state. As such, title and jurisdiction are derived solely from the deed and statute, and subject to the limitations contained therein. See *Crook Horner Company v. Old Point Comfort Hotel Company*, 54F.604 (1893). (Attach 4) Briefly, this case held that jurisdiction over the area occupied by the Chamberlin Hotel had reverted to the state because the land was not being used for purposes of national defense. Legislation passed by the General Assembly, discussed in the case, prevented a reverter of title. When the hotel was rebuilt, subsequent legislation was enacted in 1922 to prevent a reverter of title. (Attach 5)

The case and legislation treated the land upon which the Chamberlin was built as being part of the original 250 acres. In fact, the hotel is on a part of 46.1 acres, more or less, that resulted from accretion. Whether or not the accreted land which was added to the land included in the original conveyance is subject to the same

title restrictions is open to question, since that specific issue has not been judicially determined.

The deed and statute limited the conveyance to 250 acres. They did not, however, reserve title to accreted land. Thus title vested in the Government by operation of law. Jurisdiction, however, cannot vest in a similar manner. The transfer of jurisdiction from one sovereign to another requires positive acts.

It appears that the United States acquired concurrent jurisdiction over the accreted land by virtue of Chapter 213, Acts of 1932, approved 23 March 1932. (Attach 6) This act applied to "any and all in Virginia heretofore or hereafter acquired by the United States, with the consent of the State of Virginia, by purchase, lease, condemnation or otherwise . . . "

By not specifically reserving title to accreted land the state allowed general law to operate. Thus it consented to the Government acquiring title. The language of the statute, " . . . or otherwise . . . " is broad enough to cover acquisitions by operation of law.

It is felt that this statute rather than either Chapter 386, Acts of 1918, approved 16 March 1918 (Attach 7) or Chapter 390, Acts of 1922, approved 24 March 1922 (Attach 8) applies. The latter two acts ceded exclusive jurisdiction, but they refer to acquisitions in accordance with the Federal Constitution. Gaining title by accretion is not a purchase with the consent of the state.

Exclusive jurisdiction over 10.5 acres, more or less, purchased in 1903, 1.29 acres, more or less condemned in 1904, and 190 acres, more or less, condemned in 1906 was acquired under both Chapter 482, Acts of 1901-1902, approved 2 April 1902 (Attach 9), and Chapter 386, supra. These acts reserved the right to serve civil and criminal process, and provided that the jurisdiction ceded shall last so long as the United States holds the land in fee simple.

By deed dated 21 November 1908, the Commonwealth conveyed title to, and all jurisdiction over, two tracts of submerged lands in Mill Creek adjacent to Fort Monroe. The conveyance was authorized by a special act of the General Assembly. Chapter 206, Acts of 1908, approved 12 March 1908. The tracts contained 39.16 acres, more or less, and 41.20 acres, more or less. A copy of the deed which recites the statute is attached. (Attach 10) The Commonwealth reserved the right to serve process in the area conveyed.

In 1936, the Commonwealth conveyed two additional tracts of submerged lands to the Government. The conveyance was authorized by Chapter 386, Acts of 1936 approved 30 March 1936. The two tracts contained 6.9 acres, more or less, and 29.3 acres more or less. The jurisdiction ceded was exclusive, reserving the right to serve civil and criminal process. The statute also provided that if the lands were either abandoned or used for purposes other than military or naval purposes and for purposes of public defense, that the land shall revert to the state. A copy of the deed is attached. (Attach 11)

Summary

| | |
|-------------------------|---|
| Exclusive jurisdiction | 568.59 acres – fee (includes 0.05 acres under license but owned by United States) |
| Concurrent Jurisdiction | <u>46.10 acres</u> – fee |
| Total | 614.69 acres |

Dated: 5 Aug 85

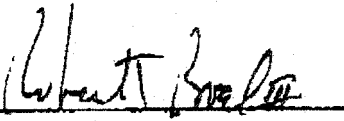

ROBERT T. BOAL, III
Attorney Advisor

Figure B-10. Jurisdictional Summary (Exclusive/Concurrent)

MEMO OF UNDERSTANDING

BETWEEN

CITY OF HAMPTON

And

FORT MONROE

(Juvenile Delinquency)

I. PURPOSE.

The purpose of this Memorandum of Understanding is to provide facilities to deal with serious juvenile criminal conduct that occurs on Fort Monroe, which is located in the City of Hampton. This Agreement will provide a means to facilitate orderly transfer of information and referral of juvenile cases arising on Fort Monroe to the Commonwealth's Attorney for the City of Hampton and the Juvenile and Domestic Relations Court of the City of Hampton.

II. PARTIES TO THE AGREEMENT

The parties to this Agreement are the Commander, Fort Monroe (Commander) and the Commonwealth's Attorney for the City of Hampton who shall be signatories thereto.

III. BACKGROUND

A. Fort Monroe is a federal enclave primarily under the exclusive legislative jurisdiction of the United States of America and under the exclusive control of the Commander, Fort Monroe. This exclusive legislative jurisdiction does not preclude the Commonwealth of Virginia from exercising jurisdiction over juveniles.

B. Minors on occasion commit acts of juvenile delinquency within Fort Monroe's boundaries. The Commander handles most such juvenile misconduct through a Juvenile Review Board (JRB). Fort Monroe has neither the facilities to handle serious offenders nor the ability to effectively handle delinquency adjudications. Fort Monroe must, in such cases, turn to Hampton and the Hampton Juvenile and Domestic Relations Court which do have the necessary facilities and jurisdiction.

IV. STATEMENT OF AREAS OF UNDERSTANDING

A. The Commander will, through the JRB, remain primarily responsible for dealing with minors who are accused of acts of juvenile delinquency on Fort Monroe. Cases may be referred to Hampton when (1) a serious offense (a felony or offense seriously jeopardizing the physical well being of another) is involved or (2) the Commander cannot effectively deal with the juvenile due to refusal of the juvenile to cooperate, commission of repeated offenses, or lack of any military ties. The Commander, through the JRB, will be solely responsible for determining which cases shall be referred to the Hampton Juvenile and Domestic Court.

B. Should the Commander decide that a case is appropriate for referral, he will obtain a waiver of jurisdiction from the U.S. Attorney, as required by Virginia Code, Section 16.1-244B. Fort Monroe Military Police (MP) will take out the petition with the Juvenile and Domestic Court. When the juvenile resides on Fort Monroe, MP will assist Hampton Police Department in serving the petition on Fort Monroe. When the juvenile does not reside on Fort Monroe, the Hampton Police Department will serve the petition as they would in any non-military case.

C. When a case has been referred, the Fort Monroe Post Judge Advocate, after being notified of service by MP, will notify the Commonwealth's Attorney. As with all other prosecutions, the Commonwealth's Attorney retains total discretion in the decision whether prosecution should proceed.

D. Post Judge Advocate will provide all relevant information, upon request, to the Hampton Police Department or to the Commonwealth's Attorney. Should additional information be required, the Post Judge Advocate will initiate any investigation required by the Commonwealth's Attorney. If an adjudication of delinquency is required, the Commonwealth's Attorney will forward subpoenas to the Hampton Police Department which will coordinate with MP to serve military or civilian witnesses who work or reside at Fort Monroe at the MP Office or as otherwise agreed. The Hampton Police Department will serve subpoenas on other witnesses.

E. The parties to the agreement agree to incorporate all areas of understanding in their internal policies. When a case is in fact referred, each party pledges to cooperate fully with each other to insure that the goal of this agreement is met.

V. AMENDMENTS AND REVOCATIONS

A. This agreement may be amended as necessary. Amendments must be signed by the same signatories to this agreement or their successors.

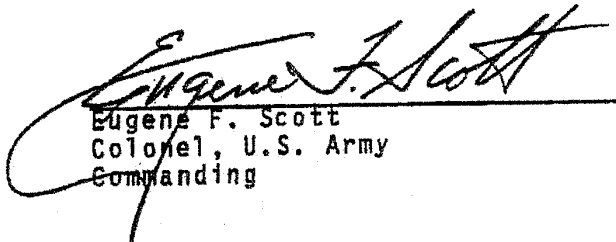
B. This agreement may also be revoked by either party providing the other party with sixty days notice and scheduling a meeting of the parties at a time

and place convenient to both. The revocation must be in writing and signed as above.

VI. IMPLEMENTATION

The Commander, through the JRS and the Commonwealth's Attorney for Hampton, will be responsible for the implementation of this agreement.

Dated this 1 day of June 1988.


Eugene F. Scott
Colonel, U.S. Army
Commanding

Dated this 2nd day of June 1988.

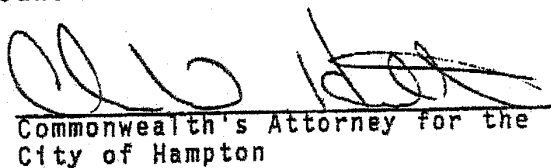
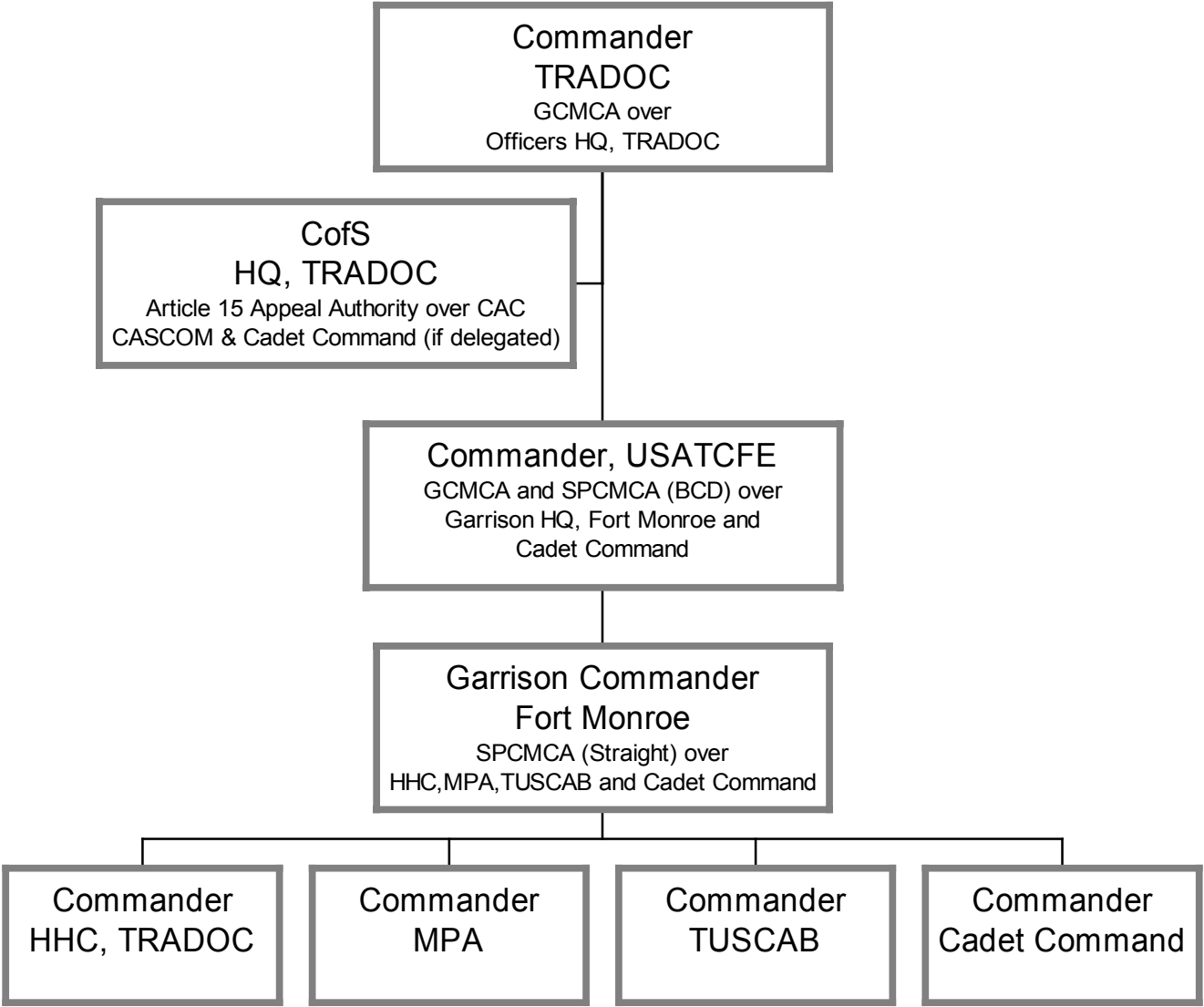

Commonwealth's Attorney for the
City of Hampton

Figure B-11. MOU Between Hampton and Fort Monroe (Juvenile Delinquency)

Appendix C
Military Justice Jurisdictional Chart



Glossary

Section I Abbreviations

| | |
|---------|--|
| AR | Army Regulation |
| CAC | Combined Arms Center |
| CASCOM | Combined Arms Support Command |
| GCMCA | General Court-Martial Convening Authority |
| HHC | Headquarters and Headquarters Company |
| HQ | Headquarters |
| JRB | Juvenile Review Board |
| MCM | Manual for Courts-Martial |
| MPA | Military Police Activity |
| MOU | Memorandum of Understanding |
| PJA | Post Judge Advocate |
| SAUSA | Special Assistant United States Attorney |
| SCMCA | Summary Court-Martial Convening Authority |
| SJA | Staff Judge Advocate |
| SPCMCA | Special Court-Martial Convening Authority |
| TRADOC | U.S. Army Training and Doctrine Command |
| TUSCAB | The United States Continental Army Band |
| UCMJ | Uniform Code of Military Justice |
| USAG | United States Army Garrison |
| USATCFE | United States Army Transportation Center & Fort Eustis |
| USACC | United States Army Cadet Command |

USCAC United States Continental Army Command

Section II

Terms

Concurrent Jurisdiction

Both the state and the federal governments may exercise full legislative jurisdiction.

Exclusive Federal Jurisdiction

The federal government has received all the authority of the state to legislate with no reservation by the state. These areas are often referred to as enclaves.

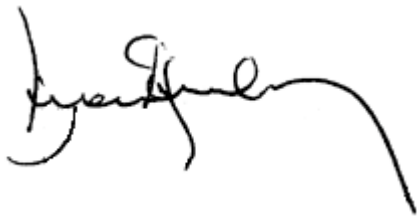
Headquarters, USAG Fort Monroe

Includes HHC, TRADOC; Fort Monroe Military Police Activity; The United States Continental Army Band; and any tenant organizations specifically attached for military justice purposes.

FOR THE COMMANDER:

OFFICIAL:

JOHN B. SYLVESTER
Major General, GS
Chief of Staff

A handwritten signature in black ink, appearing to read 'Thom E. Tuckey', with a long, sweeping horizontal stroke extending to the right.

THOM E. TUCKEY
Colonel, GS
Deputy Chief of Staff
for Information Management